

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MARIA ARENAS, individually,
Plaintiff,
v.
JOHN CALHOUN, in his individual capacity.
Defendant.

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Civil Action No.: 5:16-cv-1203
JURY

PLAINTIFF’S REPLY IN SUPPORT OF HER MOTION TO STRIKE (Doc. 46)

EXHIBIT 1

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SAN ANTONIO DIVISION

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Plaintiff,

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JOHN CALHOUN, in his individual
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Defendants.

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PLAINTIFF'S INITIAL DISCLOSURES

Pursuant to Federal Rule of Civil Procedure 26(a), Plaintiff makes the following initial disclosures:

- (i) the name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that Plaintiffs may use to support its claims or defenses, unless the use would be solely for impeachment;

Maria Arenas
c/o Jeff Edwards
Edwards Law
1101 E 11th Street
Austin, Texas 78702
Tel. 512-623-7727

Maria Arenas is the mother of Richard Tavera. She can testify to the facts described in the complaint, and to her damages.

Diana Reyes
3220 Duval Rd. #1602
Austin, Texas 78759
Tel. 512-521-8138

Ms. Reyes is Ms. Arena's daughter and Mr. Tavera's sister. She can testify to the facts and damages described in the complaint.

Jody Roschel
Tel. 512-346-7034

Ms. Roschel is a friend of Maria Arenas. She can testify to the facts and damages described in the complaint.

John Calhoun
c/o Ellen Cusimano
Assistant Attorney General
40 Capitol Square, S.W.
Atlanta, Georgia 30334-1300
Tel. 404-657-4355

John Calhoun is the prison guard who stood by as Mr. Tavera took his own life. He can testify to the facts described in the complaint.

Sergeant Gary Mitchell
Lieutenant Marvin Dickson
Warden Stanley Williams
Bobby Brannen
Mr. Smokes
Sergeant Mark Shelby
Officer Adam Haas
Officer Mary Humphrey
Whitney Wright
Sherry Ritchie
Michele Volcy

State Smith Prison
Georgia Department of Corrections
9676 US-301
Glennville, GA 30427

The above listed are named in Mr. Tavera's Incident Report and were present at Smith State Prison when the incident occurred. They can testify to the facts described in the complaint.

John North
James Griffin
Tattnall Community EMS
111 North Main Street
Reidsville, GA 30453

Mr. North and Mr. Griffin work for Tattnall Community EMS. They can testify to the facts described in the complaint.

Elgin Butler
Austin State Hospital
4110 Guadalupe St #635
Austin, TX 78751

Elgin Butler is a custodian of records at ASH.

- (ii) a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;
 - 1. Richard Tavera's Medical Records – Austin State Hospital (Bates Nos. TAVERA000001- 000004)
 - 2. Richard Tavera's Medical Records – Tattnell Community EMS (Bates Nos. TAVERA000005-000016)
 - 3. Photos of Maria Arenas and Family (Bates Nos. TAVERA000017-000022)
 - 4. Incident Report- Georgia Department of Corrections (Bates Nos. TAVERA000023-000026)
 - 5. Richard Tavera's Medical Records- Georgia Department of Corrections (Bates Nos. TAVERA000027-000110)
 - 6. Richard Tavera's Birth Certificate (Bates Nos. TAVERA000111)
 - 7. U.S. Life Tables (Bates Nos. TAVERA000112-000179)
 - 8. All documents produced by the Defendants in discovery.

- (iii) a computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered;

Plaintiff asserts claims for actual damages, in an amount to be determined by the jury. Actual damages include damages available under the Georgia wrongful death and survivor statutes, and include legal expenses (including attorneys' fees under 42 U.S.S. §1988), Plaintiff's claim includes those for past and future mental anguish, past and future loss of companionship and society, and the full value of Richard Tavera's life. In addition, Plaintiff seeks damages for loss of support, the conscious pain and suffering Richard Tavera suffered, and funeral and burial expenses. Plaintiff will seek post-judgment interest at the highest rate allowable under the law.

Plaintiff also seeks attorneys' fees and costs pursuant to 42 U.S.C. §1988. Finally, Plaintiff seeks punitive damages as to Defendant Calhoun.

- (iv) for inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Plaintiff is unaware of any relevant insurance agreements.

Dated: March 31, 2017.

EDWARDS LAW
Haehnel Building
1101 East 11th Street
Austin, Texas 78702
Tel. 512-623-7727
Fax. 512-623-7729

By /s/ Jeff Edwards
JEFF EDWARDS
State Bar No. 24014406
Scott Medlock
State Bar No. 24044783

ATTORNEYS FOR PLAINTIFF

By my signature above, I certify that a true and correct copy of the above and foregoing legal instrument has been forwarded on March 31, 2017, as follows:

Ellen Cusimano
Assistant Attorney General
40 Capitol Square, S.W.
Atlanta, Georgia 30334-1300
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Facsimile: (404) 651-6920
E-mail: ecusimano@law.ga.gov

By /s/ Jeff Edwards
ATTORNEY FOR PLAINTIFF